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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,658	02/16/2007	Jani Hirsimaki	868A.0035.U1(US)	1495
29683	7590	03/28/2011		
HARRINGTON & SMITH 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER JONES, PRENELL P	
			ART UNIT 2467	PAPER NUMBER
			MAIL DATE 03/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,658

Applicant(s)

HIRSIMAKI ET AL.

Examiner

PRENELL P. JONES

Art Unit

2467

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 14-16 and 19-21 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) 14-16 and 19-21 are narrative in form because the claims do not provide transitional language allowing for one to identify exactly where the preamble and the body of the claim starts and ends. *See MPEP 2163*

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1, 14, 16, 23 and 34-36** are rejected under 35 U.S.C. 102(e) as being anticipated by Kuusinen et al (USPGPUB 20010049731).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding 1, 14, 16, 23 and 34-36, Kuusinen et al discloses controlling a suspend state of a packet-switched service concerning a terminal device that is provided with both circuit-switched and packet-switched services by a first communication network but which terminal device can only use either a circuit-switched or a packet-switched service at a time, wherein, in a situation in which the terminal device enters into the suspend state in a packet-switched service in order to use a circuit-switched service, the method comprises (see paragraph 0026):

supplying information about the terminal device's entry into the suspend state to a gateway node of said first communication network (see Abstract, paragraph 0007, 0011 and 0039, Kuusinen et al discloses MS/mobile station/terminal providing information associated with a suspending state in providing services via BSS/MSC/gateway with regard to a first communication and second communication party).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-10, 12-31 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Weigele et al (USPGPUB 2004/0121793) in view of Katseff et al (US Patent 6,768,722).

Regarding 1, 5, 13, 14, 16, 23 and 34-36, Weigele et al discloses controlling a suspend state of a packet-switched service concerning a terminal device that is provided with both circuit-switched and packet-switched services by a first communication network but which terminal device can only use either a circuit-switched or a packet-switched service at a time, wherein, in a situation in which the terminal device enters into the suspend state in a packet-switched service in order to use a circuit-switched service, the method comprises (see paragraph 0028, 0031, 0032, 0059, Weigele discloses providing support for either a circuit-switched or a packet-switched service at a time and sleep modes associated with gateway controllers):

Although Weigele discloses utilizing either a circuit-switched or a packet-switched service at a time and sleep modes associated with gateway controllers, Weigele is vague on support supplying information about the terminal device's entry into the suspend state to a

gateway node of said first communication network, in analogous art, Katseff et al discloses (see Abstract, col. 18, line 49-67, col. 22, line 6-26, Weigele et al discloses MS/mobile station/terminal providing information associated with a suspending/hold state in providing services via BSS/MS/gateway controller with regard to a first communication and second communication party, wherein user/terminal inputs are provided via display interface).

Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention to be motivated to implement support supplying information about the terminal device's entry into the suspend state to a gateway node as taught by Katseff with the teachings of Weigele for the purpose of further providing and managing multimedia communication.

Regarding 2, 17, 19 and 24, Weigele et al discloses a method according to claim 1, wherein the packet-switched service comprises implementing a packet-switched link between the terminal device and a second communication party outside the first communication network through said gateway (MSC, BSS) node (see paragraph 0028, 0031, 0032, Weigele et al discloses supporting packet switched communication regard to a first communication and second communication party).

Regarding 3 and 25, Weigele et al discloses a method according to claim 2, wherein said second communication party is a server or a second terminal device (see Fig. 3, paragraph 0012, 0034, 0036, 0039 and 0041, Weigele et al discloses communication between MS/communication device and server).

Regarding claim 4, 12, 18, 20 and 26, Weigele et al discloses selecting said packet-switched link from a set comprising the following links: a Transmission Control Protocol (TCP)

connection, a User Datagram Protocol (UDP) connection, a Wireless Profiled TCP (WP-TCP) connection (see paragraph 0036, 0037 and 0042).

Regarding 6, 20 and 28, Weigele et al discloses, wherein said gateway node is an edge point of the first communication network towards other networks, such as an Internet Protocol (IP) network (see Fig. 3, paragraph 0037, 0038, 0041, 0042 and 0043).

Regarding 7 and 21, Weigele et al discloses wherein said first communication network is a mobile communication network, such as a GPRS network (see Fig. 3, paragraph 002 0031, 0032, 0041).

Regarding 8, 22, 29 and 30, Weigele et al discloses wherein said gateway node is a gateway support node of a packet radio network such as a Gateway GPRS Support Node (GGSN) of a General Packet Radio Service (GPRS) network (see paragraph 0028 and 0033).

Regarding 9 and 27, Weigele et al discloses providing a serving support node of a packet radio network, such as a Serving GPRS Support Node (SSGN), with information about the terminal device's entry into the suspend state, and transferring this information to the gateway support node of the packet radio network by using signaling or a specific message (see paragraph 0033).

Regarding 10 and 31, Weigele et al discloses wherein said gateway node performs an action as a response to said information supplied to it (see Fig. 3, paragraph 0038, 0039, 0041, 0042,

Weigele et al discloses gateway providing IP data packet validation and information).

Regarding 12 and 33, Weigele et al discloses sending said message to a proxy, such as a Wireless Application Protocol (WAP) gateway/proxy (see paragraph 0036).

Regarding 15, Weigele et al discloses wherein a communication device is a mobile device configured to operate with a cellular communication network (see Fig. 1, paragraph 0005, 0027 and 0044, Weigele et al discloses that the communicating devices are in cellular environment).

7. **Claims 11 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Weigele et al (USPGPUB 2004/0121793) in view of Katseff et al (US Patent 6,768,722) as applied to claims 1 and 23 above, and further in view of Rugula et al (US Patent 6,973, 309).

8. **Regarding 11 and 32**, claims 11 and 32 include all the limitations of claims 10 and 31 except said action comprises sending of a certain message, such as an Internet Control Message Protocol (ICMP) or an Explicit Congestion Notification (ECN) message, towards said second communication party in order to restrict or prevent the sending of packets. In analogous art, Rugula discloses utilizing ICMP messaging (see Fig. 2, col. 6, line 51-64, col. 11, line 26-34, Rugula discloses wherein a mobile transmits ICMP messages, whereby ICMP is known for use IP control, which includes error reporting and route-change notification (restrict or prevent the sending of packets)).

Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention to be motivated to implement sending a certain message, such as an Internet Control Message Protocol (ICMP) towards said second communication party in order to restrict or

prevent the sending of packets as taught by Rugula with the combined teachings of Weigele and Katseff for the purpose of further providing and managing multimedia communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

March 19, 2011

/Prenell P Jones/

Examiner, Art Unit 2467

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2467